

## **REMARKS/ARGUMENTS**

Applicants would request reconsideration of the outstanding Office Action. The claims are rejected under 35 U.S.C. §103(a) over Fishbaugh et al in view of Kingsley and further in view of Gaydecki or Ando et al.

Fishbaugh does disclose a vibration damper and, of course, vibration dampers are well known. Kingsley discloses phosphate coating a surface and then subsequently injecting uncured polyurethane resin which is subsequently cured. Again, this is part of the prior art. It is logical that as a membrane cures phosphating would improve the adhesion between the surfaces. However, applicants invention is a compression fitted pre-cured elastomeric member in a vibration dampener. It was determined that the phosphate coating improved adhesion, reduced slippage between the phosphated metal surface and the pre-cured elastomeric member.

Although it is known that the phosphating improves the adhesion when one cures the rubber next to the phosphated surface, it is not logical to conclude that this same result would occur with a pre-cured compression fitted elastomeric member. During the curing process, there can be a reaction between the polymer and the phosphated surface. However, that logic does not extend to a pre-cured elastomer. As the elastomer is already cured, there should be no reaction. That is why applicants pointed out that the Kingsley reference fails to disclose phosphating the inner bushing member, it merely phosphates the outer member which is not contacted with a pre-cured elastomer. The elastomer is an *in situ* cured member.

The Examiner has pointed out that applicants claim an apparatus and not the method of making the apparatus. However, it should be kept in mind that Kingsley is cited as part of a § 103 rejection. Therefore, there must be a suggestion to combine. The distinctions in the methods of assembly support the position that there is no suggestion to combine. The logic for phosphating the surface in Kingsley does not apply to phosphating the surface in Fishbaugh. There is simply no logical reason to combine the Kingsley with the Fishbaugh reference. The inner bushing in the Kingsley reference is intended to move relative to the elastomer.

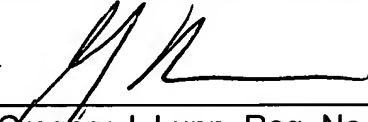
Applicants have, of course, have limited the claim to a compression fitted ethylene propylene diene monomer rubber, or ethylene acrylate polymer. Obviously, these two polymers are known. However, there is no suggestion in any of the prior art that these two polymers would provide improved adhesion *vis-a-vis* other elastomers. Kingsley specifically discloses a polyurethane elastomer. Accordingly, this would teach away from the proposed combination.

In short, the requisite suggestion to combine the references to arrive at applicants' invention is not present. Further, there is no suggestion that the unexpected advantages established by the previously submitted declaration would be achieved by combining these references. In light of this, it is applicants' position that the claimed invention is not obvious in light of the cited references and would request allowance of same.

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Respectfully submitted,

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